

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT,
SUPPLEMENTAL, DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

- ☒ original
- ☐ design
- ☐ supplemental
- ☐ national stage of PCT
- ☐ divisional
- ☐ continuation
- ☐ continuation-in-part

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

POSITION ANALYSIS SYSTEM AND METHOD

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 with sufficient postage:

37 CFR 1.8(a)

37 CFR 1.10

☐ as first class mail

☒ as "Express Mail Post Office to Addressee" Mailing Label No. EL32712038US

VIA FACSIMILE TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office

Date: _____

Wanda R. Webb

SECRET

the specification of which:

- ☒ is attached hereto.
- ☐ was filed on _____ as Serial No. 0_/_/____,____ or Express Mail No., as Serial No. not yet known _____ and was amended on _____ (if applicable).
- ☐ was described and claimed in PCT International Application No. _____ filed on _____ and as amended on PCT Article 19 on _____ (if any).

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-mentioned specification, including the claims, as amended by any amendment referred to above (if any).

I acknowledge the duty to disclose all information known to me to be material to patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (a).

- ☐ In compliance with this duty there is attached an information disclosure statement 37 CFR 1.97.
- ☐ **CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. 120**

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of the application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

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**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATION(S)
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120**

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U.S. APPLICATION(S)		STATUS (Check One)			
U.S. APPLICATION(S)	U.S. FILING DATE	PATENTED	PENDING	ABANDONED	
<input type="checkbox"/> ____/____/____	____/____/____	_____	_____	_____	
<input type="checkbox"/> ____/____/____	____/____/____	_____	_____	_____	
<input type="checkbox"/> ____/____/____	____/____/____	_____	_____	_____	

☐ PCT APPLICATION(S) DESIGNATING THE U.S. _____

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PCT APPLICATION NUMBER	PCT FILING DATE	U.S. SERIAL NUMBERS ASSIGNED (if any)
<input type="checkbox"/> _____	_____	_____
<input type="checkbox"/> _____	_____	_____
<input type="checkbox"/> _____	_____	_____

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**35 USC 119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED
U.S./PCT APPLICATIONS**

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**DETAILS OF FOREIGN APPLICATION FROM WHICH PRIORITY
CLAIMED UNDER 35 USC 119**

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ABOVE APPLICATION NUMBER	COUNTRY APPLICATION NUMBER	DATE OF FILING (day, mo.yr.)	DATE OF ISSUE (day,mo.yr.)
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____

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☐ **PRIORITY CLAIM**

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

- ☐ no such applications have been filed.
☐ such applications have been filed as follows.

earliest foreign application(s), if any filed within 12 months (6 months for design) prior to this U.S. application

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day,month,year)	PRIORITY CLAIMED UNDER 37 USC 119
_____	_____	_____	<input type="checkbox"/> YES <input type="checkbox"/> NO
_____	_____	_____	<input type="checkbox"/> YES <input type="checkbox"/> NO
_____	_____	_____	<input type="checkbox"/> YES <input type="checkbox"/> NO

all foreign application(s), if any filed more than 12 months (6 months for design) prior to this U.S. application

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

ZARLEY, McKEE, THOMTE, VOORHEES & SEASE, comprising
Donald H. Zarley, Registration No. 18,543;
Mark D. Hansing, Registration No. 30,643;
Bruce W. McKee, Registration No. 19,651;

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Dennis L. Thomte, Registration No. 22,497;
Michael G. Voorhees, Registration No. 25,715;
Edmund J. Sease, Registration No. 24,741;
Kirk M. Hartung, Registration No. 31,021;
Daniel J. Cosgrove, Registration No. 36,770;
Michael R. Crabb, Registration No. 37,298;
Wendy K. Marsh, Registration No. 39,705;
Jeffrey D. Harty, Registration No. 40,639;
James A. Napier, Registration No. 42,025;
Mark Ziegelbein, Registration No. 43,307;
Timothy J. Zarley, Registration No. 45,253;
Patricia L. Ades, Registration No. 44,496;
R. Scott Johnson, Registration No. P-45,792; and
Kirk W. Goodwin, Registration No. P-46,161;

Please direct all telephone calls to:

Mark D. Hansing, Esq. at
Telephone No. 515-288-3667

Please address all correspondence to:

Mark D. Hansing, Esq.
Zarley, McKee, Thomte, Voorhees & Sease
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Inventor's signature: Bill J. Bonnstetter Date: 1/2/00

Full name of joint or first inventor: Bill J. Bonnstetter

Residence: Scottsdale, Arizona 85254
Maricopa CountyPost Office Address: 6602 E. Ludlow Dr.
Scottsdale, Arizona 85254

Country of Citizenship: United States of America

Inventor's signature: Susan J. Fronk Date: 1/2/00

Full name of second inventor: Susan J. Fronk

Residence: Anthem, Arizona 85086-1001
Maricopa CountyPost Office Address: 3221 W. Hazelhurst Lane
Anthem, Arizona 85086-1001

Country of Citizenship: United State of America

00479646-010700

Applicant or Patentee: Bill J. Bonnstetter and Susan J. Fronk

Serial No. or Patent No: _____

Filed or Issued: _____

For: POSITION ANALYSIS SYSTEM AND METHOD

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☒ the owner of the small business concern identified below:
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Performance DNA International, Ltd.ADDRESS OF CONCERN 16020 N. 77th Street, Scottsdale, Arizona 85260

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 37 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled POSITION ANALYSIS SYSTEM AND METHOD by inventor(s) Bill J. Bonnstetter and Susan J. Fronk, described in

- ☒ the specification filed herewith.
☐ application Serial No. _____, filed _____
☐ Patent No. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

**NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).*

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of payment, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

ATTORNEY DOCKET # P03773US1

Express Certificate # EL327120380US

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Small Entity Status

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME AND TITLE OF PERSON SIGNING Bill J. Bonnstetter, PresidentADDRESS OF PERSON SIGNING SIGNATURE 16020 N. 77th Street, Scottsdale, Arizona 85260SIGNATURE *Bill J. Bonnstetter* DATE Jan. 6, 2000

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